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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,842	03/26/2001	Robert F. Gazdzinski	RFG.006CPI	9452
27299 7590 05/01/2009 GAZDZINSKI & ASSOCIATES 11440 WEST BERNARDO COURT, SUITE 375 SAN DIEGO, CA 92127				
EXAMINER				
LEUBECKER, JOHN P				
ART UNIT		PAPER NUMBER		
3739				
MAIL DATE		DELIVERY MODE		
05/01/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09817842	3/26/01	GAZDZINSKI, ROBERT F.	RFG.006CP1

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EXAMINER

John P.. Leubecker

ART UNIT	PAPER
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3739 20090501

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Commissioner for Patents

In repsonse to the Order Returning Undocketed Appeal to Examiner received April 14, 2009, the Examiner's Answer mailed December 10, 2008 is hereby VACATED. A new Examiner's Answer corresponding to the change in the status of the claims as set forth below will soon follow this communication.

Appellant identified fewer than all of the rejected claims as being appealed in the status of the claims section of the appeal brief. Therefore, the Office is considering this as an authorization to cancel the rejected claims that are not on appeal. See Ex parte Ghuman (Bd. Pat. App. & Int. May 1, 2008) and MPEP 1215.03.

Accordingly, the following claims are hereby canceled: 17-26, 34, 37, 47-49, 54 and 55.

/John P. Leubecker/
Primary Examiner
Art Unit: 3739